

Malta **Gay Rights Movement**

POSITION PAPER

for the Audience with

His Excellency Monsignor Paul Cremona O.P., Archbishop of Malta

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compiled by

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Introduction

The Malta Gay Rights' Movement (MGRM) was founded in 2001. It is a socio-political non-governmental organisation which has as its central focus the challenges and rights of the Maltese Lesbian, Gay, Bisexual and Transgender (LGBT) community. It aims to prevent acts of discrimination on the basis of sexual orientation and gender identity; to act as a lobby group promoting legislative changes to achieve equality for LGBT individuals within society and to provide support services for LGBT individuals, their families and friends [1]. These include: to fight homophobia and heterosexism, lobby for the legal recognition of same-sex couples, access to free health care for transsexuals wishing to undertake hormone therapy and sex reassignment surgery, and rights related to the parenting of children.

The MGRM which represents these minority groups, understands the influence the Catholic Church has in Malta and seeks to minimise the negative effects that religious teachings and beliefs could have on them, their families, workmates, or their citizens. The MGRM encourages the right to freedom of religion of all citizens but stands for a clear separation between Church and State that respects citizens of all beliefs and none.

Gay Affirmative Practice

The MGRM adopts a gay affirmative approach that values homosexuality, bisexuality and heterosexuality equally as natural and normal attributes. Gay affirmative practitioners are those whose beliefs and values appreciate homosexuality and bisexuality as valid and rich orientations in their own right, and who perceive homophobia, not diverse sexualities, as pathological.

Homophobia

The fear of homosexuals, or the fear that one might be a homosexual could lead to profound negative effects on people who are openly gay. The Catholic Church through its writings describes homosexuality as "a social and moral phenomenon which is leading to much concern and trouble" [2]. Moreover homosexual acts are defined as evil [3]. The homosexual inclination is defined as "objectively disordered"[3], [4] and homosexual practices as "sins gravely contrary to chastity" [3], [5]. Further more,

“Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that ‘homosexual acts are intrinsically disordered’. They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved” [2], [3], [6].

These declarations, in our view, are homophobic in nature and promote homophobia among Catholics. Such teachings can lead to ignorance, intolerance and hatred. Negative effects range from an increased difficulty in LGB individuals acknowledging their diverse sexual orientation, negative reactions from parents and siblings, and bullying, to verbal and physical abuse, homelessness, violent hate crimes at school or work, and suicide. Homophobic bullying has recently led to the death of a 16 year old in Torino, who jumped out of the fourth floor window [7]. Any form of bullying must not be tolerated. Even though schools generally have anti-bullying policies... few have any clauses on homophobic bullying, and educators have a hard time to deal with it because there are no strong signals coming from the higher echelons telling them that it is necessary to combat it. As a result, the victim is even more left to his or her own devices and usually suffers [8], [9].

The American Psychiatric Association, in 1952 listed homosexuality as a mental disorder in its Diagnostic and Statistical Manual of Mental Disorders [10], [11]. However, subsequent studies at the National (American) Institute of Health failed to provide any empirical or scientific basis for regarding homosexuality as a disorder or abnormality rather than a normal and healthy sexual orientation [10], [12], [13], [14], [15]. It was thus concluded that the classification of homosexuality as a disorder was incorrect and that it reflected untested assumptions based on prevalent social norms. In recognition of the scientific evidence, the American Psychiatric Association removed homosexuality from its Diagnostic and Statistical Manual of Mental Disorders in 1973 [16]. The American Psychological Association adopted the same

position in 1975, after a thorough review of the scientific data [17]. It is therefore not acceptable to the MGRM for anyone to imply that homosexuality is a disorder and any such statements go against the major professional bodies in the Western world.

Civil Same-Sex Marriage

The Vatican states that

“In those situations where homosexual unions have been legally recognized or have been given the legal status and rights belonging to marriage, clear and emphatic opposition is a duty. One must refrain from any kind of formal cooperation in the enactment or application of such gravely unjust laws and, as far as possible, from material cooperation on the level of their application. In this area, everyone can exercise the right to conscientious objection.” [3].

A study by the American Psychological Association concluded that “Homosexual partnerships appear no more vulnerable to problems and dissatisfactions than their heterosexual counterparts”. [18], [19]. Homosexual couples can form deep emotional attachments and commitments like their heterosexual counterparts [19].

Marriage is a social institution which has a profound effect on the lives of the individuals who inhabit it [10]. The health benefits of legal marriage are dramatically evident on the occasion of traumatic events, such as serious illness, or death of a partner. Experiencing such events is highly stressful [20], [21]. The death of a partner in particular often has negative consequences for the surviving partner's psychological and physical health [22], [23]. The stress in these circumstances can be mitigated by the legal benefits associated with civil marriage, e.g. to be in a position to make health-related decisions for the ill partner and be allowed access to the hospital emergency room. Some of the stress endured by a partner's death can be alleviated by automatic rights of inheritance, bereavement leave and to be allowed to make funeral arrangements [24]. Any barriers with these issues are likely to add a layer of psychological trauma on the surviving partner, with potentially long-term mental health problems [10], [25].

“Moreover, the essence of sexual orientation is its definition of the universe of persons with whom an individual might potentially form a romantic or sexual relationship. Thus, by denying same-sex couples the right to marry - and thereby devaluing and delegitimizing the relationships that are the very core of a homosexual orientation, the State compounds and perpetuates the stigma historically attached to homosexuality. This stigma affects not only the members of same-sex couples who seek to be married, but all homosexual persons, regardless of their relationship status or desire to marry” [10].

“Stigma gives rise to prejudice, discrimination and violence against people based on their sexual orientation [26]. Research indicates that the experience of stigma and discrimination is associated with heightened psychological distress among gay men and lesbians [27]. Being the target of extreme enactments of stigma, such as an antigay criminal assault, is

associated with greater psychological distress than experiencing a similar crime not based on one's sexual orientation"[28].

"Thus, by denying same-sex couples the right to marry legally, the State compounds and perpetuates the stigma historically attached to homosexuality" [10].

Parenting of Children

The Vatican states that

"as experience has shown, the absence of sexual complementarity in [homosexual] unions creates obstacles in the normal development of children who would be placed in the care of such persons. They would be deprived of the experience of either fatherhood or motherhood. Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development. This is gravely immoral and in open contradiction to the principle, recognized also in the United Nations Convention on the Rights of the Child, that the best interests of the child, as the weaker and more vulnerable party, are to be the paramount consideration in every case" [3].

The American Psychological Association states that "homosexuals have the capacity to form healthy and mutually satisfying relationships with another person of the same sex and to raise healthy and well-adjusted children" [10]. The United States of America 2000 Census found that among head of households who reported cohabiting with a same sex-partner, 33% of the women and 22% of men had a son or daughter under 18 years living in their home [29]. Research does not support the assertions that heterosexual couples are inherently better parents than same-sex couples [30], [31], [32], [33]. Nor does empirical research support the misconceptions that having a homosexual parent has an effect on the child's gender identity development [10]. A study by the American Academy of Paediatrics concluded that none of 300 children studied have shown evidence of gender identity confusion, wished to be the other sex, or consistently engaged in cross-gender behaviour [31].

Allowing same-sex couples to marry will benefit the children living in these households. Once again such legal clarity is important in times of crisis, like illness of the child, school emergencies and medical emergencies involving a parent [10]. Children also benefit from greater stability and security and living without the stigma associated with the children's status, e.g. illegitimacy or bastardy [34].

Conclusion

The Church with its indirect influence has caused a lot of suffering in the past in families with homosexual or transsexual members, compounded with the fact that being a small island, families are also afraid of rumours in the neighbourhood, and try to hide the actual situation, possibly causing more suffering to the individual.

Malta is a country, where a vast majority of its population are Roman Catholics, and the Church is an integral part of our culture. We understand the influence the Church has on the Maltese community. The church does not support any sexual relationship which does not allow for the possibility of having children, like oral sex, the use of condoms, masturbation and sexual relationships between two persons of the same sex. The MGRM is not asking the Church to review its teachings, , nor is it seeking religious marriage for same sex couples. It does however expect the Catholic Church to be careful not to create additional suffering in families with homosexual persons. We would like the Church to focus more on core values based on love and compassion than judging this minority group for choosing to express their identity and to seek fulfillment in loving relationships that are also recognized and valued by the State.. This would also be more in line with Christ's own teachings. Christ preached about goodness, respect, acceptance and positive values. He did not condemn anybody. He told us what to do - love one another - as opposed to giving us a list of things we should not do. Christ founded the Church to spread his message of love and respect, not to revert back to the judgmental attitudes prevalent in the Old Testament.

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